

COHEN & GREEN

April 3, 2023

Hon. Ona T. Wang
United States District Court, Southern District of New York
Daniel Patrick Moynihan Courthouse, 500 Pearl Street
New York, New York 10007

By Electronic Filing.

Re: Case No. 22-cv-01445, Rodney v City of New York, et al.

Dear Judge Wang:

As the Court likely recalls, my firm, with co-counsel, represents Plaintiff in the case above. As directed by the Court (Dkt. No. 43), I write jointly with counsel for Defendants to provide a monthly status report. Essentially, other than the Court's order at Dkt. No. 78, nothing has changed since the last status report.

The parties have exchanged discovery requests and responses, limited to "phase 1" discovery, pending the motion to dismiss. Many potential disputes — and the range of the depositions Plaintiff intends to take — include areas that Defendants have asserted are properly considered "phase 2" discovery and stayed. Rather than engage in meta-litigation, the parties are waiting to see the Court's ruling on the motion to dismiss.

As far as settlement is concerned, as noted in the four previous letters, the Court held a preliminary, confidential settlement discussion on November 3, and Plaintiff served a formal demand that evening. Nothing further has taken place, and the parties believe a further conference would be premature at this time.

Finally, as far as the motion to dismiss, the motion is fully briefed, and Plaintiff has requested oral argument (with a request to allow a law student to argue a major portion of the motion) as noted at Dkt. No. 65. Plaintiff has also filed a motion to supplement the record on the motion to dismiss, as Defendants' admissions have removed one of Defendants' major factual contentions on the motion from dispute. Dkt. No. 69. That motion is unopposed.

As always, we thank the Court for its time and consideration.

Respectfully submitted,

/s/

J. Remy Green

Honorific/Pronouns: Mx., they/their/them

COHEN & GREEN P.L.L.C.



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cc:
All relevant parties by electronic filing.